

UNITED STATES DISTRICT COURT

for the
Western District of WashingtonCERTIFIED TRUE COPY
ATTEST: WILLIAM M. MCCOOL
Clerk, U.S. District Court
Western District of WashingtonBy Shawn Kattler
Deputy Clerk

In the Matter of the Search of)

Information associated with One Target)
Telephone, for Investigation of 21 U.S.C. §§)
841, 843(b), 846, and Other Offenses)

Case No. MJ21-099 (2)

SEARCH AND SEIZURE WARRANT AND PEN-TRAP ORDER

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the person or property located in the Western District of Washington, described in Attachment A2. This Court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A) and Federal Rule of Criminal Procedure 41.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described in Attachment A2 and that such search will reveal the property and evidence described in Attachment B2. Because the government has satisfied the requirements of 18 U.S.C. § 3122 and 18 U.S.C. § 2703, this warrant also constitutes a pen-trap order under 18 U.S.C. § 3123 and an order for disclosure of non-content subscriber or customer records under 18 U.S.C. § 2703(c)(1).

Pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), Sprint PCS and/or T-Mobile shall furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information identified in Attachment B2 unobtrusively and with a minimum of interference with Sprint PCS's and/or T-Mobile's services. The government shall compensate Sprint PCS and/or T-Mobile for reasonable expenses incurred in furnishing such facilities or assistance.

YOU ARE COMMANDED to execute this warrant on or before March 8, 2021 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken. Alternatively, notice may be given by serving the wireless provider with a copy of this warrant pursuant to 18 U.S.C. § 2703 and 18 U.S.C. § 3123.

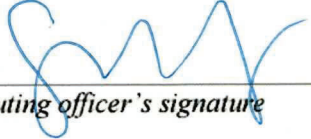
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any U.S. Magistrate Judge in the Western District of Washington.

☒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for ___ days (not to exceed 30) ☒ until, the facts justifying, the later specific date of July 7, 2021.

Date and time issued: February 22, 2021 11:30 a.m.
Judge's signatureBrian A. Tsuchida, Chief United States Magistrate Judge
Printed name and titleCity and state: Seattle, Washington

AO 106 (Rev. 04/10) Application for a Search Warrant (Modified: WAWD 2-12-2020)

Return		
Case No.: <u>MJ21-099(2)</u>	Date and time warrant executed: <u>02/22/2021 5:48pm</u>	Copy of warrant and inventory left with: <u>NA</u>
Inventory made in the presence of: <u>NA</u>		
Inventory of the property taken and name of any person(s) seized: <u>GPS/PRTT data for target cell phone from phone provider.</u>		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: <u>05/03/2021</u>	 Executing officer's signature	
<u>Stacy Vaughan</u>	<u>FBI SA Shaunna McCann</u> Printed name and title	

ATTACHMENT A2

Property to Be Searched and Subscriber/Subject Information

1. Records and information associated with the following cellular phone:

a. **(206) 898-7122**, with a customer/subscriber name of Jermaine Brooks at 23712 110th Ave SE, APT 1E101, Kent, Washington 98031, and service provided by Sprint PCS (hereinafter referred to as Target Telephone 37 or **TT37**). Agents believe UM7122 is using **TT37** and is a source of supply of cocaine to wire target David Kelley (TT19),

that are in the custody or control of Sprint PCS, a company headquartered at 6480 Sprint Parkway, Overland Park, Kansas, and/or T-Mobile, a company headquartered at 12920 SE 38th Street, Bellevue, Washington. The identities of the persons who are subjects of the criminal investigation are set forth above.

2. The Target Cell Phone (**TT37**).

3. The property to be searched includes: (i) any instrument to which the listed target telephone number was assigned within the last 30 days, and that now has been assigned a changed telephone number, (ii) any changed telephone number assigned to an instrument now bearing the same unique identifying number (such as an IMSI, ESN, MSID, or IMEI) as the telephone number listed above, or that was bearing the same unique identifying number as the telephone number listed above, at any point within the last 30 days, (iii) any changed unique identifying number subsequently assigned to the same telephone number, or (iv) any additional changed telephone number and/or unique identifying number, whether the changes occur consecutively or simultaneously, listed to the same subscriber and wireless telephone account number as the telephone numbers listed above, within the period of disclosure authorized by this warrant.

ATTACHMENT B2

Particular Things to be Seized

This warrant is issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701-2713, and the Pen Register Act, 18 U.S.C. §§ 3121-3127. As such, this Warrant authorizes the collection of subscriber records, pen-trap data, and cell site data information regarding the Target Cell Phone (TT37). **This warrant does not authorize the disclosure or seizure of any tangible property or the content of any wire or electronic communication, as defined in 18 U.S.C. § 2510(8).** Accordingly, the Court finds reasonable necessity for the seizure of the data and records identified below. *See* 18 U.S.C. § 3103a(b)(2).

I. Information to be Disclosed by Sprint PCS and/or T-Mobile

1. Pen Register/ Trap and Trace Data and Associated Subscriber Records to Be Provided for a Period of 45 Days for TT37.

a. Sprint PCS and/or T-Mobile shall install and monitor pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication to or from the Target Cell Phone (TT37) including the date, time, and duration of the communication, and the following, without geographic limit and without notice to the subscriber:

(i) IP addresses associated with the cell phone device or devices used to send or receive electronic communications;

(ii) Any unique identifiers associated with the cell phone device or devices used to make and receive calls with the cell phone number described in Attachment A2, or to send or receive other electronic communications, including the ESN, MEIN, IMSI, IMEI, SIM, MSISDN, or MIN;

(iii) IP addresses of any websites or other servers to which the cell phone device or devices connected; and

(iv) Source and destination telephone numbers and email addresses.

b. On a 24-hour-a-day basis, for the duration of the authorized pen-trap devices, Sprint PCS and/or T-Mobile shall provide the following records for those subscribers whose identifiers are obtained pursuant to the use of the pen-trap devices: published or non-published subscriber names and addresses, including billing addresses.

2. Prospective Cell Site Location Information for TT37.

a. All information about the location of the Target Cell Phone (TT37) described in Attachment A2 for a period of 45 days, during all times of day and night. This information includes: precise location information, as well as all data about which "cell towers" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A2.

b. The physical address and coverage maps of cell towers used by the Target Cell Phone (TT37).

3. Prospective E-911/GPS and Cell Site Triangulation Information for TT37.

a. All information about the location of the Target Cell Phone (TT37) described in Attachment A2 for a period of 45 days, during all times of day and night. This information includes: all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which "cell towers" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A2.

b. The physical address and coverage maps of cell towers used by the Target Cell Phone (TT37).

To the extent that the location information described in the previous paragraphs (hereinafter, "Location Information") is within the possession, custody, or control of Sprint PCS and/or T-Mobile, Sprint PCS and/or T-Mobile is required to disclose the Location Information to the government pursuant to this warrant. In addition, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), Sprint PCS and/or T-Mobile must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with Sprint PCS's and/or T-Mobile's services. The government shall compensate Sprint PCS and/or T-Mobile for reasonable expenses incurred in furnishing such facilities or assistance.

II. Information to Be Seized by the Government

1. All information described above in Section I that constitutes evidence of violations of 21 U.S.C. §§ 841, 846, 843(b), and related crimes involving the users of TT37 or the Michael Walker DTO.

2. All non-content subscriber/account information provided pursuant to 18 U.S.C. § 2703(c) regarding the Target Cell Phone TT37.

3. All non-content dialing, routing, addressing, and signaling information provided pursuant to 18 U.S.C. §§ 3121-3127 regarding Target Cell Phone (TT37).

4. Location Information regarding the Target Cell Phone (TT37).

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by Sprint PCS and/or T-Mobile in order to locate the things particularly described in this Warrant.